

Sub  
gr  
E-8  
77. (twice amended) The device of claim 30 further including a prong as an additional anchor element.

Sub  
gr  
E-9  
78. (Once amended) The device of claim 74 [30], wherein the anchor is integral with an edge of the at least one blade and in a plane defined by the at least one blade.

### REMARKS

Prior to the entry of this amendment, claims 6, 7, 30, 31, 53-55, 57-74 and 76-103 are pending. By way of the amendment filed herewith, claims 6, 30, 55, 58, 74, 76, 77, and 78 have been amended, and claims 53, 54, 75, 79, 92 and 98 have been cancelled. No new claims have been added.

The amendments made to the two independent claims 6 and 30 have support in the specification on page 15, lines 5-17 which describes that the adhesive anchoring element may be applied to any or all of the surfaces of the sheet and blades.

### **Lack of Antecedent Basis under 37 CFR § 1.75(d)(1) and MPEP § 608.01(o)**

The Examiner has asserted that the specification lacks antecedent basis for the language "said anchor *helps prevent* the sheet from being dislodged". (emphasis in original). Further the Examiner has asserted that language added to claim 80 is also without antecedent basis. The language in question in claim 80 provides for at least one opening in the sheet that has no blades around the periphery of that opening.

The Examiner has failed to recite the specific claims which contain the "helps prevent" language. Applicants find that the language in question is included in both of

the two independent claims 6 and 30. All other claims now pending depend from one of these two independent claims. Therefore Applicants will proceed under the assumption that this rejection applies to all pending claims in the application.

Applicants respectfully disagree with the Examiner that there is not support for that portion of the claims which recite "... said anchor helps prevent the sheet from being dislodged."

On page 8, lines 5-13 of the specification, there are several references to the blades assisting in anchoring the device to the skin. Such language includes "improves the attachment of the device to the skin", "assist in anchoring" and "assist to anchor". Applicants assert that this language is logically indistinguishable from the language in the claims which provide for "...adhesive anchor helps prevent the sheet from being dislodged". Any element which assists in anchoring the sheet to the skin, must of necessity help prevent the sheet from being dislodged from the skin.

In addition, on page 15, lines 1-2 of the specification, there is reference to angled blades which act as anchors so that motion of the skin is less likely to dislodge the blades.

Applicant asserts that there is proper antecedent basis and respectfully request the withdrawal of the rejection under 37 CFR § 1.75(d)(1).

The Examiner has also assert that there is no antecedent support for the language in claim 80 which provides for at lease one opening in the sheet having no blades positioned around the periphery.

There are a number of places in the specification where such a claim finds antecedent basis. On page 8, line 30, the specification provides that the number of blades "...can be any number, preferably however between 1 and about 30 blades per opening." Clearly, any number includes zero blades.

In addition, on page 12, line 28 to page 13, line 13, there is described "additional etched openings 80" as shown in figure 4. These openings clearly have no blades shown and are placed in various locations around the sheet in order to counter the stiffness in the sheet that results from punching down the blades.

Applicants asserts that there is proper antecedent basis for claim 80 and respectfully request the withdrawal of this rejection.

#### **Claim Rejection under 35 USC § 112 - Part 1**

The Examiner has rejected claims 58 and 77 under § 112, first paragraph. The Examiner states that the specification supports a device wherein the anchor is a prong, but "does not reasonably provide enablement for the device having a prong which is not an anchor." Applicants assert that a proper interpretation of the current claims does not lead one to the conclusion the a prong that is not an anchor is an element of the claim.

Prior to the entry of the present amendment, claims 58 and 77 read as follows:

58. The device of claim 6 further including a prong.

77. The device of claim 30 further including a prong.

Previously, each of these claims had recited that the anchor in the respective parent claim was a prong. The Examiner has misinterpreted the current claims by

assuming that because the reference to an anchor has been deleted, the prong is now affirmatively cited as not being an anchor. This position by the Examiner is further supported in the last sentence in paragraph 5 made in reference to claims 58 and 77: "The unclearness of the claim is aggravated by applicant's amendment which implies that the prong is now not an anchor." Such an interpretation is incorrect.

As used throughout the specification, a prong is a special configuration of a blade that helps anchor the device to the skin. Neither the specification nor the claims attribute any unusual meaning to that term. Whether a prong is recited as being the anchor of a parent claim or merely as an additional element is irrelevant. Both have antecedent basis in the specification.

The fact that the parent claims recite "an adhesive anchor" does not preclude dependent claims that include other forms of anchors, such as a prong. However, Applicant has amended claims 58 and 77 to affirmatively recite that the prong is an anchor element.

The Applicant respectfully asserts that claims 58 and 77 now have proper enabling support in the specification. Applicants respectfully request the withdrawal of the § 112 rejection.

### **Claim Rejection under 35 USC § 112 - Part 2**

The Examiner has asserted that claims 6-7, 30-31, 53-55, 57-54 and 76-114 are rejected under 35 USC § 112, paragraph 2. It should be noted that the highest claim number is 103, not 114. The Examiner has included comments from the 06 December

1999 Office action as well as concerns specifically discussed in the present Office Action.

#### **06 December 1999 Issues**

The first issued raised were question regarding the language "helps to prevent". This issue has been discussed and persuasive arguments presented to traverse this rejection.

The Examiner further asserts that there is no support for claim language which recites that the blade thickness is much less than the blade width at the base of the blade. This rejection is now moot because claims 92 and 98 have been cancelled.

The Examiner further raises the issue of amendments which the Examiner asserts require the interpretation that a prong is not an anchor. This issues has been previously discussed above and persuasively traversed.

Because all issues related to the § 112 rejection have been traversed, Applicants respectfully request the withdrawal of the § 112 rejections.

#### **Rejections under 35 USC § 102 and 103**

All claims have been rejected under § 102 and § 103 over two United States Patents, either alone or in combination. These patents are Ganderton, USPN 3,814,097 and Reid 5,312,456. The two independent claims 6 and 30 were previously amended to include language which provides for an adhesive anchor.

There is no hint or suggestion in Ganderton or Reid, either alone or in combination, which provides for an adhesive on a sheet which contains blades



extending downward therefrom. The Examiner has previously indicated that such a claim would be allowable in the office action dated 17 June 1999 as discussed in paragraph 8.

There was no discussion by the Examiner in the current office action which addresses the amendments made to the two independent claims 6 and 30 which added the element of an adhesive anchor or any explanation as to why the current independent claims are now rejected.

Applicant's reassert the position that the two independent claims 6 and 30 and all claims dependent therefrom, are novel and non-obvious over the cited art, either alone or in combination.

Applicant asserts that the claims are now in condition for allowance, notice of which is earnestly solicited.

Respectfully submitted,

Date: 8 September 2000

By:

Owen J. Bates

Owen J. Bates

Registration No. 40,346

ALZA Corporation  
1900 Charleston Road  
(P.O. Box 7219)  
Palo Alto, CA 94039-7210  
Telephone: (650) 564-7867 Fax: (650) 564-2195

RECEIVED  
OCT 11 2000  
TC 3700 MAIL ROOM